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SENATE BILL 1219

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

TIMOTHY Z. JENNINGS

AN ACT

RELATING TO ANIMALS; REQUIRING THE EXPENDITURE OF A CERTAIN
AMOUNT OF THE DEPARTMENT OF GAME AND FISH BUDGET TO REIMBURSE
LANDOWNERS FOR ANIMAL DEPREDATION; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 17-1-14 NMSA 1978 (being Laws 1921,
Chapter 35, Section 7, as amended) is amended to read:

"17-1-14. GENERAL POWERS AND DUTIES OF STATE GAME
COMMISSION--GAME PROTECTION FUND. --

A. The state game commission shall have general
control over the collection and disbursement of all money
collected or received under the state laws for the protection
and propagation of game and fish, which money shall be paid over
to the state treasurer to the credit of the game protection
fund, and the fund, including all earned income therefrom, shall

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1 not be transferred to another fund. Chapter 17 NMSA 1978 shall
2 be guaranty to the person who pays for hunting and fishing
3 licenses and permits that the money in that fund shall not be
4 used for any purpose other than as provided in Chapter 17 NMSA
5 1978. The state game commission shall have authority:

6 (1) to establish and, through the director of
7 the department of game and fish, to operate fish hatcheries for
8 the purpose of stocking public waters of the state and to
9 furnish fish fry and fingerlings to stock private waters,
10 receipts from such sources to go into the game protection fund;

11 (2) to declare closed seasons in any specified
12 locality and on any species of game or fish threatened with
13 undue depletion from any cause;

14 (3) to establish game refuges for the purpose
15 of providing safe sanctuaries in which game may breed and
16 replenish adjacent hunting ranges, it being the purpose of this
17 provision to establish small refuges rather than large
18 preserves, or to close large areas to hunting;

19 (4) to purchase lands for game refuges where
20 suitable public lands do not exist, to purchase lands for fish
21 hatcheries and to purchase lands to be maintained perpetually as
22 public hunting grounds, particularly lands suitable for
23 waterfowl hunting, all such lands to be paid for from the game
24 protection fund;

25 (5) to receive by gift or bequest, in the name

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1 and on behalf of the state, lands suitable for game refuges,
2 hunting grounds, fish hatcheries or for any other purpose
3 necessary to carry out the provisions of Chapter 17 NMSA 1978;

4 (6) to apply for and accept any state, federal
5 or private funds, grants or donations from any source for game
6 and fish programs and projects;

7 (7) to designate certain areas as rest grounds
8 for migratory birds, in which hunting shall be forbidden at all
9 times or at such times as the state game commission shall
10 provide, it being the purpose of this provision not to interfere
11 unduly with the hunting of waterfowl but to provide havens in
12 which they can rest and feed without molestation;

13 (8) to close any public stream or lake or
14 portion thereof to fishing when such action is necessary to
15 protect a recently stocked water, to protect spawning waters or
16 to prevent undue depletion of the fish;

17 (9) to propagate, capture, purchase, transport
18 or sell any species of game or fish needed for restocking any
19 lands or streams of the state;

20 (10) after reasonable notice and hearing, to
21 suspend or revoke any license or permit issued pursuant to the
22 provisions of Chapter 17 NMSA 1978 and withhold license
23 privileges for a definite period not to exceed three years from
24 any person procuring a license through misrepresentation,
25 violating any provisions of Chapter 17 NMSA 1978 or hunting

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1 without a proper license;

2 (11) to adopt regulations establishing
3 procedures that provide reasonable notice and a hearing before
4 the state game commission for the suspension, revocation or
5 withholding of license privileges of any person charged with
6 violating the provisions of Chapter 17 NMSA 1978, subject to
7 such judicial review as may be provided by law;

8 (12) to conduct studies of programs for the
9 management of endangered and nongame species of wildlife; ~~[and]~~

10 (13) to establish licenses, permits and
11 certificates not otherwise provided for in Section 17-3-13 NMSA
12 1978 and to charge and collect just and reasonable fees for
13 them; provided the fees shall not exceed the costs of
14 administration associated with the licenses, permits or
15 certificates; and

16 (14) to adopt rules and regulations for
17 expenditures from the game protection fund to reimburse
18 landowners for animal depredation.

19 B. The director of the department of game and fish
20 shall exercise all the powers and duties conferred upon the
21 state game and fish warden by all previous statutes now in force
22 not in conflict with Chapter 17 NMSA 1978.

23 C. The state game commission shall have authority to
24 prohibit all hunting in periods of extreme forest fire danger,
25 at such times and places as may be necessary to reduce the

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1 danger of destructive forest fires.

2 D. The hunting, pursuing, capturing, killing or
3 wounding of any game animals, birds or fish in or upon any game
4 refuge, rest ground or closed water or closed area or during any
5 closed season established or proclaimed by the state game
6 commission in accordance with the authority conferred in Chapter
7 17 NMSA 1978 constitutes a misdemeanor and shall be punishable
8 as prescribed in Chapter 17 NMSA 1978. "

9 Section 2. A new section of Chapter 17, Article 1 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] ANIMAL DEPREDATION--GAME PROTECTION FUND
12 EXPENDITURES.--The department of game and fish shall expend a
13 minimum of five percent, but no more than ten percent, of its
14 appropriation each year to reimburse landowners for damage
15 caused by wild animals. "

16 Section 3. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 1997.